

Notice of Allowability	Application No.	Applicant(s)	
	09/721,139	CHERRY, RICHARD SUTTON	
	Examiner	Art Unit	
	Mark Fadok	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/30/2006.
2. ☒ The allowed claim(s) is/are 1-31.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Response to Amendment

The examiner is in receipt of applicant's response to office action mailed 11/7/2005, which was received 1/30/2006. The examiner has carefully considered the amendments and arguments provided by the applicant, and have found them to be persuasive, therefore the following reasons for allowance are provided:

Allowable Subject Matter

Claims 1-31 are allowed.

The following is an examiner's statement of reasons for allowance of independent claims 1 and 31:

Regarding claims 1 and 31

The prior art of record neither anticipates nor fairly and reasonably teaches a method, for creating websites for consumers buyers and retailers, notification means and the buying of the product by a buyer for delivery to the consumer comprising, *inter alia*, providing means through an electronic communications network for said consumer members, buyer members and retailer members to each access an individual member web page located on said club web site and personalized using parameters specific to each such consumer member, buyer member and retailer member; providing means through software programming for said buyer members to be notified of purchases

Art Unit: 3625

made by said consumer members and to offer to said retailer members to fulfill said purchases; fulfilling said purchases by having said buyer members buy said products from said retailer members, deliver said products to said consumer members to a location within said club member area within thirty (30) minutes of said purchase, and collect a payment from said consumer members..

Discussion of most relevant art:

US Patents and PG-PUB

(i) US Patent (5,395,206) to Ahluwalia discloses a method for notifying buyers and sellers of the status of delivery and delivering a product. Ahluwalia, however fails to anticipate or render the application's above-mentioned limitation(s) obvious.

(ii) US Patent (6,658,568) to Ginter et al discloses a method for delivering Pizza through an online system. Ginter, however fails to anticipate or render the application's above-mentioned limitation(s) obvious.

Foreign Patent Documents

(iii) EP 1071026 A2 to Bongers teaches a method for buying online and having a

distributor provide the product to a customer. Bongers, however, fails to anticipate or render the application's above-mentioned limitation(s) obvious.

Non-Patent Literature

(iv) Chicago Tribune article teaches a 30 minute delivery, however, Chicago Tribune article fails to anticipate or render the application's above-mentioned limitation(s) obvious.

(v) Johnson teaches Waiters on wheels that picks up and delivers food and also L.A. delivers which lists 100 stores and restaurants that deliver, however, Johnson fails to anticipate or render the application's above-mentioned limitation(s) obvious.

Any comments considered necessary by the applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mark Fadok** whose telephone number is **(571) 272-6755**. The examiner can normally be reached Monday thru Thursday 8:00 AM to 5:00

PM.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **receptionist** whose telephone number is **(571) 272-3600**.

Any response to this action should be mailed to:

Commissioner for Patents

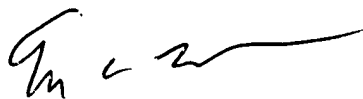
P.O. Box 1450

Alexandria, Va. 22313-1450

or faxed to:

(571) 273-8300 [Official communications; including
After Final communications labeled
"Box AF"]

(571) 273-6755 [Informal/Draft communications, labeled
"PROPOSED" or "DRAFT"]



Mark Fadok

Primary Examiner